IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

WA.No. 897 of 2005(E)

APPELLANT: APPELLANT/R1 IN OP

K.S.R.T.C.
REP.BY ITS MANAGING DIRECTOR,
TRANSPORT BHAVAN,
EAST FORT,
TRIVANDRUM.

BY ADV. SRI.T.RAVIKUMAR, SC, KSRTC

RESPONDENTS: PETITIONER IN OP/RESPONDENT 2 IN OP
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1. SRI.SREENIVASAN,
BHARATHI BHAVAN,
KUDAMALOOR.P.O.,
KOTTAYAM.

2. KERALA STATE ROAD TRANSPORT CORPORATION
APPELLATE TRIBUNAL,
THIRUVANANTHAPURAM.

BY ADV. SRI.VIJU ABRAHAM

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 06/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

W.A. NO. 897 OF 2005

Dated this the 6th day of December 2006

JUDGMENT

Abdul Gafoor, J

This appeal is filed with a delay of 437 days, by the K.S.R.T.C. The impugned judgment was pronounced on 13.11.2003. The facts stated in the affidavit reveal that Standing Counsel had forwarded the copy of the judgment on 12.01.2004. Inspite of that no diligence has been shown by the K.S.R.T.C to file an appeal in time it is stated in the affidavit that decision was taken by the Corporation to file an appeal. The date of that decision is not revealed. Thus the affidavit does not explain the enormous delay in filing the appeal. In the circumstances, we are not satisfied that the delay shall be condoned. The delay petition is dismissed. Consequently, the Writ Appeal also stand dismissed.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

RV